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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,703	07/30/2003	Traugott Marquardt	1509-429	5353

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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,703	<b>Applicant(s)</b> MARQUARDT, TRAUGOTT	
	<b>Examiner</b> Chi Q Nguyen	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8, 22-24, 26 and 29-32 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 16-19, 25, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 4, 14-15, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office action is in response to the applicant's amendment filed on 7/27/2005.

#### ***Claim Objections***

Claims 4 and 6 are objected to because of the following informalities: the applicant is advised to take out extra recitations "at least one of the faces". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard claim 3, recitations such as "it can be lowered through a module opening which is present when a module panel of a discrete modular raised-floor system is removed" is confusing and indefinite because a size of a module is not clearly defined.

In regard claim 11, recitations such as "wherein the slide-in connector units have data connector rows, at least some of the connector rows being at least one of copper data cable connector rows or optical fiber connector rows" are confusing and render claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is attempting to positively set forth.

In regard claim 12, recitations such as "having optical fiber connector rows with a connector type which enables pre-fabricated optical breakout cables with pre-installed cable connectors to be plugged-in at the permanent-cable connection side of the junction unit connectors, without using a splice box" are confusing.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 3 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Domigan (US 4,536,612).

In regard claim 1, Domigan teaches box for raised floors comprising a junction unit 1 having a top side, wherein the top side or at least a major part of it is open (figure 1), connectors 28 for connecting data cables for the devices, a structure (where screws 43 secured to) for mounting the junction unit, lateral sides, the lateral sides or at least a major part of them being open 34/40/41 (see figures 1 and 2).

In regard claim 2, Domigan teaches the claimed invention as stated; wherein the mounting structures are arranged to be mounted on a base floor 42 (figure 2).

In regard claim 3, since Domigan teaches the claimed invention as stated thus it inherently having dimensions such that can be lowered through a module opening which is present when a module panel of a discrete modular raised-floor system is removed.

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In regard claim 25, Domigan teaches a computer center (col. 1, lines 7-8) having a raised floor and floor panels 42 with opening 50 for cooling air outlets, etc., said raised floor being equipped with under floor data cable junction units 1, cable connectors 27, 28, running under the raised floor, each junction unit having atop side wherein the top side or at least a major part of it is open with a plurality of cooling side outlets 40-41

Claims 9-10, 13, and 16-19, are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald (US 6,170,784.

In regard claim 9, MacDonald teaches cable management device having opposite faces and comprising slide-in data connector units 150a and 150b able to be slid from outside into the junction unit at least one of its faces the slide-in connector units being arranged on at least two levels in the junction unit, one above the other (see figure 6). Note that the data connector units 150a and 150b having plurality of slots 61, which slide-in corresponding with mounting bolts 28

In regard claims 10, 13, MacDonald teaches the claimed invention as stated, wherein the slide-in connector units are fixed to the junction unit in a dismountable manner and arrange at two opposing faces of the junction unit.

In regard claim 16, MacDonald teaches a cable management unit having a frame structure with a frame, the frame comprising portal front parts 14, 16, and a panel 24 serves as sidebars connecting the front parts, such that the portal front parts are opposite each other (see figure 1).

In regard claim 17, MacDonald teaches the claimed invention as stated, wherein the front parts are open at least at their lower parts (see figure 1).

In regard claims 18, 19, MacDonald teaches the claimed invention as stated, wherein the panel 24, which serves as sidebars could be adjustable in height (see col. 4, lines 57) along a plurality of holes on the front parts and dismountable manner by remove releasable fasteners 28.

Claims 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Mead (US 5,548,932).

In regard claim 27, Mead teaches a computer center 12 having a raised floor (see figure 1) on which computers are arranged, said raid floor being equipped with under floor cable units by which the computers are connected to permanent data cables running under the raised floor, each junction unit having opposite faces and comprising slide-in connector units 42 able to be slid from outside into the junction unit at least one of its faces, the slide-in connector units being arranged on at least two levels in the junction unit, one above the other (see figs. 1-2).

In regard claim 28, Mead teaches a computer center having a raised floor on which computers are arranged, said raised floor being equipped with under floor cable junction units by which the computers are connected to permanent data cables running under the raised floor, each junction having a frame structure with a frame, the frame comprising portal front parts 20 and sidebars 32, 44, connecting the front parts 20 are arranged opposite each other (see figs. 1-2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald.

In regard claims 11-12, MacDonald teaches the structural elements for the cable management as stated except for the slide-in connector units have data connector rows, at least some of the connector rows being at least one of copper data cable connector rows or optical fiber connector. It would have been obvious to a person in the art to select an appropriate material for the connectors such as copper or optical that have been considered obvious of design choice for such desirable applications because of economic reasons such that the optical cable connectors more expensive, etc.

#### ***Allowable Subject Matter***

Claims 4, 14-15, and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-8, 22-24, 26, and 29-32 allowed.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 9-20, 25, and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

2/21/2006

  
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**Carl D. Friedman**  
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